

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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District of Rhode Island

Albert Gray, Administrator, et al. :
Plaintiffs, :

v. :

CA 04-312L

Jeffrey Derderian, et al. :
Defendants. :

Estate of Jude B. Henault, et al., :
Plaintiffs, :

v. :

CA 03-483

American Foam Corporation, et al., :
Defendants. :

ORDER RE: NOTICE OF ELECTION AS TO
MOTION TO DISMISS OF
STATE OF RHODE ISLAND AND
IRVING J. OWENS

This matter came on for hearing before the Honorable Ronald R. Lagueux on the defendant's Notice of Election as to Motion to Dismiss on the 20th day of September, 2006. After hearing thereon, it is hereby

ORDERED, ADJUDGED and DECREED:

That the Court hereby incorporates its prior Ruling entered in response to these Defendants' Motion to Dismiss the First Amended Complaint and all counts in the Third Amended Complaint are dismissed as to Irving J. Owens and all Counts except the subsequently amended Count LXXXII are dismissed as to the State of Rhode Island. The state of Rhode Island remains in Count LXXXII and has answered said Count.

ENTERED AS AN ORDER of this Honorable Court on the _____ day
of _____, 2006.

ENTER: Ronald R. Lagueux ORDER: B. [Signature]

9/26/06

Senior Judge

Clerk